



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/254,101	03/01/1999	REINHARD KNITL	P98.3211	6476

29177 7590 04/05/2004  
BELL, BOYD & LLOYD, LLC  
P. O. BOX 1135  
CHICAGO, IL 60690-1135

EXAMINER

HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
----------	--------------

2645

26

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/254,101

Applicant(s)

KNITL ET AL.

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Appeal Brief, 3/8/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39-42 is/are allowed.
- 6) ☒ Claim(s) 19-25, 30-38 and 43-45 is/are rejected.
- 7) ☒ Claim(s) 26-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

Art Unit: 2645

## **DETAILED ACTION**

### **Reopening of Prosecution**

1. In view of the Appeal Brief filed on 3/8/04, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Allowable Subject Matter***

12. Claims 39-42 are allowed.

3. Claims 26-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 19-21, 25,30-36 and 43-45 are rejected under 35 U.S.C. 102(e) as being anticipated by **Jolissaint** (US 5,740,240).

As to Claims 19-21,25,30-33,36, with respect to Figures 1-3, **Jolissaint** teaches a method for incorporating functions of an automatic call distribution system, 8, in an interactive voice response system, 5, that is called and controlled by communication terminal equipment, 3, of a PBX (communication network), the method comprising the steps of:

directly coupling the automatic call distribution system and the interactive voice response system (Figure 1, label 6);

connecting both the interactive voice response system and the automatic call distribution system to a switch (separate communication system) of the communication network (Figure 1, label 4);

connecting at least one agent communication terminal equipment, 8C, to the communication system (Col. 3, lines 59-64);

allocating the at least one agent communication terminal equipment to the automatic call distribution system (Col. 3, lines 42-44);

Art Unit: 2645

influencing the interactive voice response system by the communication terminal equipment wherein the interactive voice response system communicates a request for reserving an available one of the at least one agent communication terminal equipment to the automatic call distribution system (Figure 3a and Col. 5, lines 1-10);

reserving, via the automatic call distribution system, the available one of the at least one agent communication terminal equipment (Figure 3b and Col. 5, lines 13-24); and

transferring, given the request for reserving, and reservation of, the agent communication terminal equipment, by the communication system and outside of the automatic call distribution system the communication terminal equipment, from the interactive voice response system to the reserved agent communication terminal equipment (Figure 3d and Col. 5, lines 33-34).

As to Claim 34, **Jolissaint** teaches a method for incorporating functions of an automatic call distribution system in an interactive voice response system as claimed in claim 32, further comprising:

inserting in a release request, as a parameter, an agent identification indicating the agent communication terminal equipment to be released (Figure 2b-1); and

communicating the release request from the interactive voice response system to the automatic call distributor system (Col. 4, lines 33-49 and Figure 2b-1).

As to Claim 35, **Jolissaint** teaches a method for incorporating functions of an automatic call distribution system in an interactive voice response system as claimed in claim 19, further comprising:

Art Unit: 2645

inserting in a release request, as a parameter, an agent identification indicating the agent communication terminal equipment to be released (Figure 2b-1); and

communicating the release request from the interactive voice response system to the automatic call distributor system (Col. 4, lines 40-49 and Figure 2b-1).

As to Claims 43-45, **Jolissaint** teaches the limitations as rejected in Claim 19 and the following:

inserting service information, in a status request, indicating a requested agent communication terminal equipment as a parameter (Figure 2b-1);

communicating the status request, which includes the parameter, of the associated automatic call distributing system from the interactive voice response system to the automatic call distributing system (Figure 2b-1); and

communicating a status acknowledgment from the automatic call distributing system after the step of communicating a status request, wherein the status acknowledgement includes at least one of result information indicating a check of allowability of the status request, status information indicating an operating condition of the automatic call distributing system, agent information indicating the agent communication terminal equipment, report information indicating the agent communication terminal equipment, busy information indicating the agent communication terminal equipment, and availability information indicating the availability of agent communicating terminal equipment (Col. 5, lines 24-33)

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Jolissaint** in view of **Morganstein et al.** (US 5,020,095).

As to Claim 22, **Jolissaint** teaches a method for incorporating functions of an automatic call distribution system in an interactive voice response system as claimed in claim 19, further comprising the steps of:

(i) interrogating a status of the agent communication terminal equipment by the

Art Unit: 2645

interactive voice response system before the request for reserving is communicated;  
and

(ii) implementing the request for reserving dependent on the interrogated  
status

**Jolissaint** does not teach the following limitation:

“cyclically interrogating”

**Morganstein** teaches a queue routine which periodically checks for available agents (cyclically interrogating) (Figure 2d and Col. 2, lines 8-15). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art, to add periodic checking capability to **Jolissaint’s** invention for determination of agent status as taught by **Morganstein’s** invention in order to provide routing of callers to available agents.

8. Claims 23-24 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jolissaint** in view of **Hammond** (US 5,155,761).

As to Claims 23-24,37-38, **Jolissaint** teaches a method for incorporating functions of an automatic call distribution system in an interactive voice response system as claimed in claim 19, further comprising the steps of:

**Jolissaint** does not teach the following limitations:

“noting, given an unavailable agent communication terminal equipment, a call back request communicated from an associated communication terminal equipment in the interactive

Art Unit: 2645

voice response system with telephone number information associated with the communication terminal equipment” and

“initiating an automatic callback with assistance from a further request for reserving, wherein a connection to the reserved agent communication terminal equipment is produced and transferred first and a call back connection to the associated terminal equipment is produced and transferred thereafter”

**Hammond** teaches call back using a robot controller (voice response system) (Figures 2 and 4 and Col. 2, lines 4-17). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art, to add call back capability to **Jolissaint's** invention for not queuing callers as taught by **Hammond's** invention in order to provide efficient routing of callers to available agents.

### *Response to Arguments*

9. Applicant's arguments filed in the Appeal Brief have been fully considered but are moot in view of the new grounds of rejection. The Amendment filed 6/9/03 has been entered.

Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2645

**Morganstein et al.** (US 4,696,028) teaches a call processor which processes calls and transefers the calls to an ACD system.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

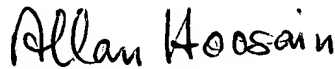
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
**Allan Hoosain**  
**Primary Examiner**  
3/31/04

**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

